

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

JOSE LOZA and DESTINY
HERNANDEZ, as guardians of the minor
child JADEN LOZA,

CASE NO.:

Plaintiff,

v.

VICTORIA’S SECRET STORES, LLC and
DOES I-V.

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332(a), 1441(a) and 1446(a) and the applicable Local Rules of the United States District Court for the District of Utah, Defendant Victoria’s Secret Stores, LLC (“VSS”), hereby removes this action from the Second Judicial District Court of Weber County, State of Utah, Ogden Department to the United States District Court for the District of Utah. In support thereof, Defendant states and avers as follows:

1. On or about July 1, 2022, Plaintiffs Jose Loza and Destiny Hernandez, guardians of the child, Jaden Loza, filed a Complaint in a civil action for money damages in the Second Judicial Circuit, Weber County, Utah, against VSS, Filing No. 220902856 (the “State Action”).
2. On or about July 25, 2022, Plaintiff filed the First Amended Complaint (“Amended Complaint”).
3. The documents attached as Exhibit “A” constitute all of the process and pleadings served and filed in the State Action to date, pursuant to 28 U.S.C. § 1446(a).
4. VSS accepted service of the Amended Complaint on July 25, 2022.

5. This Notice of Removal (“Notice”) is filed in the United States District Court for the District of Utah, within the district and division embracing the place where the State Action and Amended Complaint were filed, as required by 28 U.S.C. §§ 1332 and 1441(a).

6. Plaintiffs are residents and citizens of Utah.

7. VSS is a Delaware limited liability company with its principal place of business in Ohio. VSS is not a citizen of Florida. VSS is a wholly owned subsidiary of IB US Retail Holdings, Inc., a Delaware corporation with its principal place of business in Ohio. IB US Retail Holdings, Inc. is the sole member of VSS as the 100% percent owner. For purposes of removal, neither VSS nor IB US Retail Holdings, Inc. are citizens of Utah.

8. Therefore, complete diversity of citizenship exists between Plaintiff and VSS.

9. In their Amended Complaint, Plaintiffs indicated their alleged damages were in excess of \$300,000.

10. Consequently, Plaintiff’s alleged damages are in excess of \$75,000 pursuant to 28 U.S.C. § 1446(c)(3)(A).

11. This Notice is timely as it is being filed within thirty (30) days of service of Plaintiff’s Complaint. *See* 28 U.S.C. § 1446(b)(3).

12. The undersigned has served a Notice of Filing the Notice of Removal of this action on Plaintiff by serving their counsel and will also file a copy of this Notice and all attachments thereto with the Second Judicial Circuit, Weber County, Utah. A copy of the Notice of Filing of the Notice of Removal is attached hereto as Exhibit “B.”

13. Defendant has satisfied all procedural requirements with respect to diversity of citizenship, amount in controversy and timing; therefore, removal to this Court is proper. *See* 28 U.S.C. §§ 1332, 1441, and 1446.

WHEREFORE, Defendant respectfully requests this case be entered upon the docket of the United States District Court for the District Utah, pursuant to 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted,

By: s/Meghan Sheridan

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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2022, I electronically transmitted the foregoing document to the Clerk of the Court using the CM/ECF System for filing and transmittal to all counsel of record and emailed the same to the following:

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